

REMARKS

A petition to extend the time for response by one (1) month is enclosed herewith.

This Amendment amends claims 18 and 22, cancels claim 21, and adds new claim 21. Claims 13-14, 18-19, and 22-23 are pending. Claims 18 and 23 are independent.

The Claimed Invention

An exemplary embodiment of the present invention, as recited by, for example, independent claim 18 is directed to a device for adjusting the height position of a dishware basket of a dishwashing machine. The device includes a basket support plate adapted to be mounted on a side wall of the dishware basket and an adjustment lever pivotally mounted to the basket support plate such that a handle part of the adjustment lever may be pivoted toward and away from the basket support plate, and a means for biasing. The basket support plate includes rollers and a recess. The adjustment lever includes a handle end located in the recess. A catch hook is on a handle end of the adjustment lever and is located in the recess of said basket support plate so as to be oriented to the dishware basket interior when the basket support plate is mounted on a side wall of the dishware basket. The means for biasing biases the adjustment lever to move in an opposite direction from the interior of the dishware basket toward the basket support plate.

Conventional dishware basket height adjusters have several disadvantages. These adjusters either require a separate lever mount for an adjustment lever or they must shift a separate locking element. These conventional adjusters, therefore, require several elements arranged separately from each other.

In stark contrast, the present invention includes a basket support plate with rollers and a recess on which an adjustment lever with a catch hook is pivotally mounted. In this manner, the adjustment lever and the basket support plate form a single unit and all of the elements for the adjuster are mounted directly upon the basket support plate.

The 35 U.S.C. 112 Rejection

The Office Action rejects claims 13-14, 18-19, and 21-22 under 35 U.S.C. section 112, second paragraph. This Amendment amends claims 18 and 22 in accordance with Examiner Tran's very helpful suggestions. Applicants respectfully request withdrawal of this rejection.

The Bertazzoni reference

The Office Action rejects claims 13-14, 18-19, and 21-22 under 35 U.S.C. section 102(b) as being anticipated by the Bertazzoni reference. Applicants respectfully traverse this rejection.

The Bertazzoni reference does not teach or suggest the features of the claimed invention including an adjustment lever that is pivotally mounted to a basket support plate. As explained above, this feature is important for simplifying the adjuster such that all elements are mounted on the basket support plate.

In stark contrast, the Bertazzoni reference discloses a height adjuster with an adjustment lever that is not pivotally mounted to the basket support plate.

Claim 18 recites a basket support plate adapted to be mounted on a side wall of the dishware basket where the basket support plate includes rollers mounted thereto. The Office Action appears to allege that the guide and support bracket 1 AND the plate 2 that is disclosed by the Bertazzoni reference correspond to this feature. However, only the guide and support bracket 1

corresponds to this claimed feature. Clearly, the plate 2 does not have rollers mounted thereto.

The Office Action appears to allege that the latch 3 of the Bertazzoni reference corresponds to the claimed adjustment lever. Claim 18 clearly recites that the adjustment lever is pivotally mounted to the basket support plate. In stark contrast, the latch 3 of the Bertazzoni reference is not mounted to the guide and support bracket 1 at all. Rather, the latch 3 is only mounted to the plate 2.

Further, the height adjuster that is disclosed by the Bertazzoni reference clearly suffers from the problems which are solved by the claimed invention. The height adjuster that is disclosed by the Bertazzoni reference includes a latch 3 and plate 2 which is very clearly separated from the guide and support bracket 1. Thus, this adjuster requires several elements which are separately provided from the guide and support bracket 1. The Bertazzoni reference clearly discloses that the plate 2 and latch 3 are not mounted to the guide and support plate 1 at all, rather they are mounted to the rack C. This design suffers from a large number of separate elements and is much more complex than the claimed invention.

Applicants respectfully submit that the claims are allowable over the Bertazzoni reference and request withdrawal of this rejection.

Additionally, with respect to new independent claim 23, the Bertazzoni reference does not teach or suggest the features of the claimed invention including an adjustment lever pivotally mounted to the support plate where the rollers are mounted on the support plate. Applicants respectfully submit that claim 23 is allowable over the applied reference.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request allowance. Applicants invite the Examiner to contact the undersigned attorney if the Examiner has any questions regarding this amendment.

Applicants petition for an extension of time if it is required for entry of this Amendment.

Russell W. Warnock

Name of Attorney Signing
Respectfully submitted

A handwritten signature in black ink, appearing to read "Russell W. Warnock", written in a cursive style.

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